IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.703 OF 2005
WITH
CIVIL APPLICATION NO.804 OF 2005

Shri Munner G. Yadav. ..Appellant.

V/s.

M.M.R.D.A. & Anr. ..Respondents.

Mr.Ditendra Mishra for appellant.

Mr.R.M.Sawant for respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. Heard counsel for the parties.

2. It is not in dispute that the suit structure has already been demolished in terms of suit notice issued by the respondent authority. In that sense, relief claimed in terms of prayer clause (b) of the Notice of Motion, which relief was refused by the lower court at ad-interim stage, has become infructuous. The appellant, if so advised, may take out appropriate proceedings before the trial court, which will be decided on its own merits in accordance with the law. In so far as the relief in terms of prayer clause (a) is concerned, that will have to be

considered in the Notice of Motion, which is still pending before the trial court. In the circumstances, the appeal as well as civil application are disposed of on the above observations.

3. Counsel for the appellant submits that in fact the appellant is now interested in expeditious disposal of the suit and not keeping the matter pending for consideration for interim application. If the appellant makes request for expeditious hearing of the suit, the same be considered by the trial court favourably and the hearing of the suit be expedited to be disposed of as early as possible.